

**Town of La Pointe Zoning
Town Plan Commission Special Meeting Minutes
August 25, 2010**

Town Plan Commission (TPC) Members Present: Ted Pallas, Chair, Charles Brummer, Vice-Chair, Larry Whalen, Suellen Soucek, Ron Madich (leaves at 5:45), Greg Thury, Carey Baxter (7).

Town Plan Commission Members Absent: none.

Public Present: Mike Starck, Paul Brummer (2).

Town Staff Members Present: Jennifer Croonborg-Murphy, ZA, Margaretta Kusch, ZCA (2).

I. Call to Order/Roll Call

Chair Pallas called the meeting to order at 4:30 PM at the Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

Mike Starck asks to comment during item V. Chair Pallas answers yes.

III. Approval of Previous Meeting Minutes

a. Town Plan Commission Special Meeting, August 11, 2010

The Zoning Administrator asks that her statement at the meeting asking if the Town Plan Commission felt that the standards of Section 7.1.C (standards for approval) had been met be included in the minutes.

Chair Pallas moves to table these minutes until the next meeting. G. Thury seconds. All in favor, 7 aye. Motion Carries.

IV. Zoning Administrator's Report

The Zoning Administrator reports that the Town Board had a meeting on August 24th with the Ashland County Zoning Administrator and the Ashland County Administrator about the intermunicipal agreement regarding termination of such agreement. The County doesn't appear to be willing to spend more than \$15,000 per year on County zoning, which may result in about one permit per month being processed on the island. The negotiations are ongoing.

V. Consideration of Permit Applications

a. Bergeon, Glen & Susan re: Special Exception permit application for reduced setbacks at 2635 Big Bay Road, parcel #014-00054-0900 – Discussion and Possible Decision

Mike Fauerbach has sent his comments and opinions on the decision and conditions for this special exception that the Town Plan Commission made at the last meeting (see August 11, 2010 minutes).

Mr. Fauerbach has added a new condition 5, which reads as follows:

"There will be no further building or impervious or semi-impervious surfaces of any kind on the lake side of Big Bay Road."

He recommends removal of condition 12, which reads as follows:

"Acknowledging existing regular uses, there shall be no short term rental of the dwelling. However, when either adjoining neighbor obtains a permit for short term rental of a single family dwelling, this condition shall be void."

The Zoning Administrator reads the amended list of conditions into the record.

Town of La Pointe Zoning
Town Plan Commission Minutes
Special Meeting
~August 25, 2010

Chair Pallas asks if the commissioners understand and agree with the conditions. There is consensus that the commission does.

M. Starck asks what does “decline” mean in condition 3 (“...*Shoreline Restoration Plan and Stormwater Runoff Management Plan to be reviewed and approved by Zoning Administrator and Town Plan Commission upon decline of the Ashland County Land Conservation Department.*”). Chair Pallas answers that it is likely that the County Department will necessarily decline this.

M. Starck asks for clarification on condition 10 (“*No camping unit(s) shall be allowed.*”). He asks whether camping will be allowed while construction is underway for the dwelling, as is allowed elsewhere. Chair Pallas states that he would only want to see a camping unit on the inland side of the road during construction.

C. Baxter states that, were a camping unit to be allowed, it could only be during the duration of construction work.

It is noted that the opinions of the neighboring property owners must be considered, and that the camper currently on the property has been a problem for them as well as being a non-permitted use. Also, concerns are voiced that the camping unit might end up staying on the property over the next few years with no construction yet commenced (as building permits are valid for three years).

Chair Pallas states that condition 10 should be kept and that the Bergeons should request that a camping unit be permitted once construction has begun, to which the Town Plan Commission agrees.

M. Starck comments that if a goal of this decision is to bring the building core as far as possible away from the lake shore, it would be logical to have the core brought as close as possible to Big Bay Road.

C. Brummer states that Emmer Shields wants the core at least 20 feet from the road right of way, which is where it is going to be located.

Chair Pallas reads the findings of fact into the record.

The findings of fact and conditions shall be attached to, and become a part of, these minutes.

Chair Pallas moves to approve the special exception for Glen and Susan Bergeon at 2635 Big Bay Road as discussed today. S. Soucek seconds.

Chair Pallas rescinds the above motion and instead moves to approve the special exception for Glen and Susan Bergeon at 2635 Big Bay Road, parcel #014-00054-0900, the building core to be 25' x 25' with conditions as discussed and attached along with the findings of fact which the commissioners understand, will be attached to permit. S. Soucek seconds. All in favor, 7 aye. Motion Carries.

VI. Old Business

G. Thury makes a motion to move item VII New Business up to before item VI Old Business. R. Madich seconds. All in favor, 7 aye. Motion Carries.

Zoning Ordinance Revision Project

a. Review and possibly revise working draft of tentative Ordinance Revision, Sections 1.0-16.0. Zoning Dimensional Table for new proposed zoning districts

(R. Madich leaves at 5:45)

Mike Fauerbach has sent multiple faxes with commentary and opinions on the current draft language. The Town Plan Commission discuss his comments regarding Section 9.

Mr. Fauerbach pointed out that the current draft doesn't comply with the new state bill NR115, which regulates nonconformities in shoreland zones and is due to take effect in 18 months (February 2011). Under the current draft, nonconforming lots and uses in shoreland zones would be the responsibility of the county. However, the amount of time the county will be able to give enforcing zoning on the island were the intermunicipal agreement to fail is very uncertain. Mr. Fauerbach suggests that the old, deleted text of section 9.1 be reinstated in the ordinance if the Town should want to proactively comply with NR115 and enforce shoreland nonconformities itself.

The following changes are made to Section 9:

- Use the text of the old, deleted Section 9.1 and add it back in to be a new Section 9.3, deleting the current text of 9.3 in the process.
 - Add “*(EXCLUDING NONCONFORMING STRUCTURES TO SHORELAND SETBACK)*” to title of Section 9.2
 - Add “*...including setbacks. The addition shall not exceed fifty percent (50%) of the existing building footprint including overhangs, eaves, and other impervious surfaces. Total enclosed footage of building and proposed additions shall not exceed two thousand (2,000) square feet*” to the end of Section 9.2.B.
- b. **Review and possibly revise Official Zoning Map re: Comprehensive Plan Future Land Use Map**
Not discussed.

VII. New Business

- a. **Ross, Pete & Peggy RE: interpret front yard of lot 7 North Shore Estates LP# 014-00325-0370**
The lot in question has five sides and is accessed off North Shore Road by an easement road. One side of the lot runs parallel to the easement road. If this side were considered the front, then one of the sides would be the rear yard of another lot. After some deliberation, the Town Plan Commission decides that the front yards will be the side running parallel to the easement and the 443.83' side. The 250' and 217' yards are the sides, and the 510' will be the rear.

G. Thury makes a motion to move back to item VI Old Business. C. Brummer seconds. All in favor, 7 aye. Motion Carries.

VIII. Future Agenda Items

IX. Schedule of Next Meeting

- Town Plan Commission Special Monthly Meeting to be held on Wednesday, September 1, 2010 at 4: 30 pm.

X. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor, 6 aye. Motion Carries. Meeting ends at 6:28 pm.

Draft Town Plan Commission Minutes respectfully submitted by Margaretta Kusch, ZCA on Saturday, August 28, 2010.

Town Plan Commission minutes are approved as amended by Margaretta Kusch, ZCA on Wednesday, September 01, 2010.